IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO. 82 of 2007.

Ukmakant Govind Taware. ..Applicant.
V/s.
The State of Maharashtra ... Respondent.

Shri M.S. Mohite for the Applicant.

Mrs. M.M.Deshmukh, APP for State.

CORAM: J.H.BHATIA,J

DATED: 19th January 2007.

P.C.:

. Heard Shri Mohite, learned Counsel for the applicant and Mrs. Deshmukh,learned APP for the State.

2. The applicant is the accused in Sessions Case No.20/2003. On 15.3.2005, PW 4- Dinkar Jadhav was present but somehow senior Advocate appearing for the applicant- accused was not available. Therefore, adjournment was sought which was refused by the Court. Thereafter, evidence of someother witnesses was recorded and they were also cross-examined. Somehow, PW 4 was not cross-examined on behalf of the accused. Later on an application was made to re-call him for cross-examination. That application came to be rejected by the Additional Sessions Judge,

Satara on 22nd September 2006, holding that as the application was already rejected it was not proper to recall the witness.

3. Somehow, in spite of recording evidence of some witnesses on 15.3.2005, the prosecution has not completed its evidence till this date and it is reported that the investigating officer is to be examined tomorrow. In such circumstances, in the interest of justice, PW4-Dinkar Jadhav may be re-called and opportunity of cross-examination may be granted to the accused.

4. For the aforesaid reasons, application is allowed. The trial Court is directed to re-call PW 4-Dinkar Jadhav for cross-examination. Defence will not be given any adjournment for cross-examination. No order as to costs.

5. Authenticated copy of this order be furnished to the parties.

(J.H. BHATIA,J)